



Staff Report to the Zoning Administrator

Application Number: **181125**

Applicant: Derek Van Alstine Residential Design
Owner: Justin Reid
APN: 028-304-01
Site Address: 2800 Chesterfield Drive, Santa Cruz

Agenda Date: June 7, 2019
Agenda Item #: 3
Time: After 9:00 a.m.

Project Description: Proposal to construct an approximately 230 square foot second-story addition to an existing non-conforming residence on property located in the R-1-5-PP zone district. Requires a Coastal Development Permit and Variance to increase the maximum floor area ratio from 50% to 51%.

Location: Property located on the southeast corner of Chesterfield Drive and East Cliff Drive. (2800 Chesterfield Drive).

Permits Required: Coastal Development Permit, Variance

Supervisory District: 1st District (District Supervisor: John Leopold)

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 181125, based on the attached findings and conditions.

Project Description & Setting

The subject property is located at the southeast corner of East Cliff Drive and Chesterfield Drive in the Pleasure Point community of the Live Oak planning area. The property is mostly level, with South Palisades Avenue crossing the southwestern portion of the property. The surrounding properties are developed with single family residences.

This application is a proposal to construct an addition of a small living room and rear deck above the existing single family dwelling. The proposed addition would be approximately 230 square feet in area.

Vacation Rental

The property was approved as a two bedroom vacation rental under permits 111255 & 171283. No additional bedrooms are proposed as part of this application.

Zoning & General Plan Consistency

The subject property is a 3,743 square foot lot, located in the R-1-5-PP (Single family residential - 5,000 square feet minimum, Pleasure Point combining district) zone district, a designation which allows residential uses. The existing single family dwelling is a principal permitted use within the zone district and the zoning is consistent with the site's R-UM (Urban Medium Density Residential) General Plan designation.

Non-Conforming Structure

The existing residence is non-conforming to yard setbacks in that it is located within the 15 foot required yard setback from South Palisades Avenue (double frontage) at approximately 4 feet from the edge of the right of way (which crosses the property). The structure is also non-conforming to the maximum lot coverage in that the structure covers more than 40 percent of the property, at approximately 50 percent coverage by structures. No expansion of non-conforming dimensions or lot coverage is proposed as a result of this application.

Modifications to the proposed structure would not exceed the 65 percent threshold that requires a development permit. Per the modification worksheet prepared by the project architect, the project would result in an 11 percent modification to the existing structure.

Pleasure Point Combining District

The subject property is located within the Pleasure Point (-PP) combining district. Within the Pleasure Point combining district there are specific requirements for upper level additions to be stepped back from side property lines. The proposed upper floor addition is stepped back from the side property lines, as required by the Pleasure Point combining district. Given that the width of the lot varies from front to rear, the upper floor side setback changes from 7 feet to 10 feet on the rear portion of the property. The proposed upper level addition conforms to the required upper floor side yard setbacks for the district.

Although the subject property has side frontage on East Cliff Drive which would typically require a 10 foot side yard setback, the lot is less than 60 feet wide, so a side yard setback of 5 feet from the East Cliff Drive right of way would apply for the lower floor. Upper floor setbacks required by the Pleasure Point combining district are based on lot widths less than 60 feet, so the upper floor setbacks continue to apply.

Parking

Three parking spaces are located on the subject property (two in the driveway and one in the garage). The existing single story residence includes two bedrooms and the project would result in the construction of a living room in the upper floor addition. There would be no net increase in the number of bedrooms (two) and adequate off-street parking has been provided on the subject property.

Variance

The subject property is approximately 3,743 square feet in area, and the net site area is further reduced by the 400 square feet of right of way of South Palisades Avenue which crosses the property, resulting in a net site area of 3,343 square feet. Lot coverage and floor area ratio are calculated using the net site area for the property.

This proposal includes a variance request to increase the maximum floor area ratio from 50% to 51%. The granting of a variance to lot coverage for the proposed addition is reasonable in that the parcel is very small (under 4,000 square feet in area) and the granting of a variance to lot coverage will allow a modest addition to be constructed on top of the existing building without any increase in the building footprint.

Design Review

The proposed addition complies with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural design features such as varied exterior materials which conform to the architectural style of the existing residence to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape.

Local Coastal Program Consistency

The proposed addition is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single family dwellings. Size and architectural styles vary in the area, and the design submitted is consistent with the existing range of styles. Beach access exists nearby at Moran Lake (to the west) and Rockview Drive (to the east) and the project site is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number 181125, based on the attached findings and conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.sccoplanning.com

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Exhibits

- A. Categorical Exemption (CEQA determination)
- B. Findings
- C. Conditions
- D. Project plans
- E. Assessor's, Location, Zoning and General Plan Maps
- F. Parcel information
- G. Comments & Correspondence

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 181125

Assessor Parcel Number: 028-304-01

Project Location: 2800 Chesterfield Drive

Project Description: Proposal to construct a second story addition to a single family dwelling

Person or Agency Proposing Project: Derek Van Alstine Residential Design

Contact Phone Number: 831-426-8400

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
D. ☐ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).
E. ☒ **Categorical Exemption**

Specify type: Class 3 - New Construction or Conversion of Small Structures (Section 15303)

F. Reasons why the project is exempt:

Construction of an addition to a single family dwelling in an area designated for residential uses.

In addition, none of the conditions described in Section 15300.2 apply to this project.

Randall Adams, Project Planner

Date: _____

EXHIBIT A

Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts that are listed in LCP Section 13.10.170(D) as consistent with the LCP Land Use Plan designation of the site.

This finding can be made, in that the proposed location of the addition and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-5-PP (Single family residential - 5,000 square feet minimum - Pleasure Point combining district) zone district as the primary use of the property will continue to be one single family dwelling.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

This finding can be made, in that no such easements or restrictions are known to encumber the project site other than a portion of the South Palisades Avenue right of way. No structures are proposed within the right of way and all required setbacks will be met for the new construction.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to SCCC 13.20.130 and 13.20.140 et seq.

This finding can be made, in that the site is surrounded by lots developed to an urban density; the colors will be natural in appearance and complementary to the site; and the development site is not on a prominent ridge, beach, or bluff top.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the LCP Land Use Plan, including Chapter 2: Section 2.5 and Chapter 7.

This finding can be made, in that the project site is not identified as a priority acquisition site in the County Local Coastal Program and public beach access is available at Moran Lake (to the west) and Rockview Drive (to the east).

5. That the project conforms to all other applicable standards of the certified LCP.

This finding can be made, in that the structure is sited and designed to be visually compatible and integrated with the character of the surrounding neighborhood. Additionally, residential uses are principal permitted uses in the R-1-5-PP (Single family residential - 5,000 square feet minimum, Pleasure Point combining district) zone district, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single family dwellings. Size and architectural styles vary in the area, and the design submitted is consistent with the pattern of development within the surrounding neighborhood.

6. If the project is located between the nearest through public road and the sea or the shoreline of any body of water located within the Coastal Zone, that the project conforms to the public access and public recreation policies of Chapter 3 of the Coastal Act.

This finding can be made, in that public beach access is available nearby at Moran Lake (to the west) and Rockview Drive (to the east). Consequently, the proposed addition will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area designated for residential uses. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the proposed location of the addition and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-5-PP (Single family residential - 5,000 square feet minimum - Pleasure Point combining district) zone district as the primary use of the property will continue to be one single family dwelling.

The proposed project is in conformance with the purpose of the Pleasure Point Community Design Combining District (as specified in County Code section 13.10.444) in that the proposed second floor addition will not create a substantial visual impact or increase shading of neighboring parcels and houses. The construction of a second story on the existing residence is in conformance with the Pleasure Point combining district building envelope and upper floor setbacks.

The proposed addition will be in compliance with all required site standards, with the exception of the variance request to increase the Floor Area Ratio from 50% to 51%. Findings for the requested variance have been made.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed residential use is consistent with the use and density requirements specified for the R-UM (Urban Medium Density Residential) land use designation in the County General Plan.

A specific plan has not been adopted for this portion of the County.

4. That the proposed use will not overload utilities, and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed addition is to be constructed onto an existing single family dwelling. The expected level of traffic generated by the proposed project is

anticipated to remain at one peak trip per day (1 peak trip per dwelling unit). No impact to existing roads or intersections is anticipated to result from the project.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed addition is consistent with the land use intensity and density of the neighborhood.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the proposed addition will utilize varied exterior materials and will be consistent with the architectural style of the existing residence and will not reduce or visually impact available open space in the surrounding area.

Variance Findings

1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

This finding can be made, in that the increase in the maximum Floor Area Ratio from 50% to 51% is considered reasonable in order to allow modest additions to the existing residence. The small size of the parcel (at less than 4,000 square feet) is the special circumstance affecting the subject property.

2. That the granting of the variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity.

This finding can be made, in that the variance will allow the minor expansion of an existing residence on a residentially zoned parcel and the structure will be adequately separated from improvements on surrounding properties. No increase in structure footprint is proposed as a component of this project.

3. That the granting of such variances shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

This finding can be made, in that other properties in the neighborhood are developed with single family dwellings and the proposed second story is a modest addition to the existing structure which is located on a small lot. Therefore, it would not be a grant of a special privilege for the construction of an addition to the existing residence on the subject property. The proposed residential structure will be consistent with the existing pattern of development in the neighborhood.

Conditions of Approval

Exhibit D: Project plans, prepared by Derek Van Alstine Residential Design, revised 12/20/18.

- I. This permit authorizes the construction of an addition as indicated on the approved Exhibit "D" for this permit. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - C. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "D" on file with the Planning Department. Any changes from the approved Exhibit "D" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 1. A copy of the text of these conditions of approval incorporated into the full size sheets of the architectural plan set.
 2. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material sheet in 8 1/2" x 11" format for Planning Department review and approval.
 3. Details showing compliance with fire department requirements.

- B. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
 - C. Meet all requirements of the Environmental Planning section of the Planning Department.
 - D. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
 - E. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. The project must comply with all recommendations of the approved soils reports.
 - D. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.
- IV. Operational Conditions
- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set

aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Application #: 181125
APN: 028-304-01
Owner: Justin Reid

Approval Date: _____

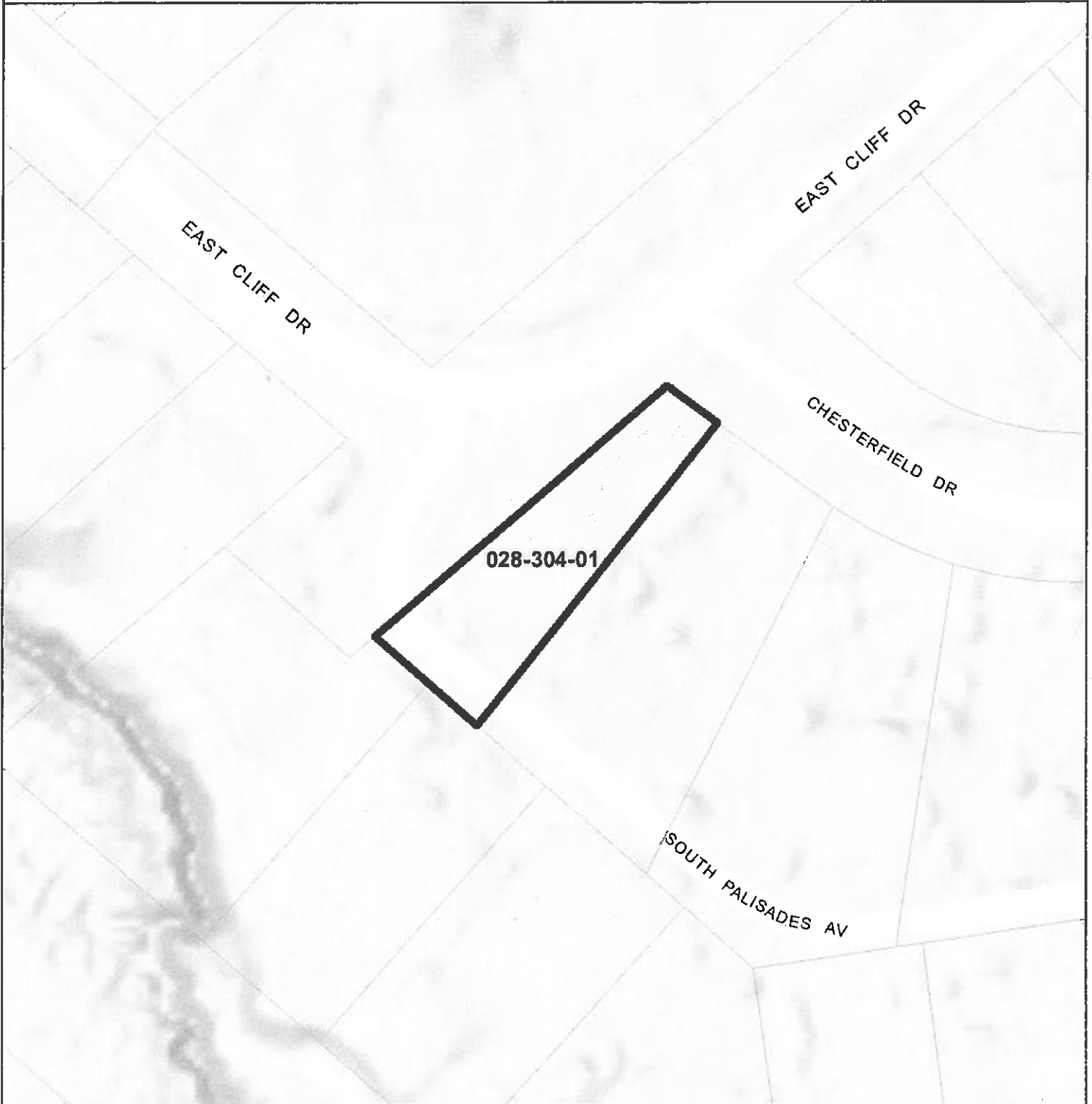
Effective Date: _____

Expiration Date: _____

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.



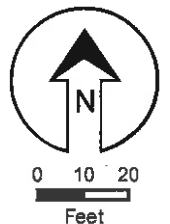
Parcel Location Map



Parcel: 02830401

-  Study Parcel
-  Assessor Parcel Boundary

Map printed: 26 Apr. 2019

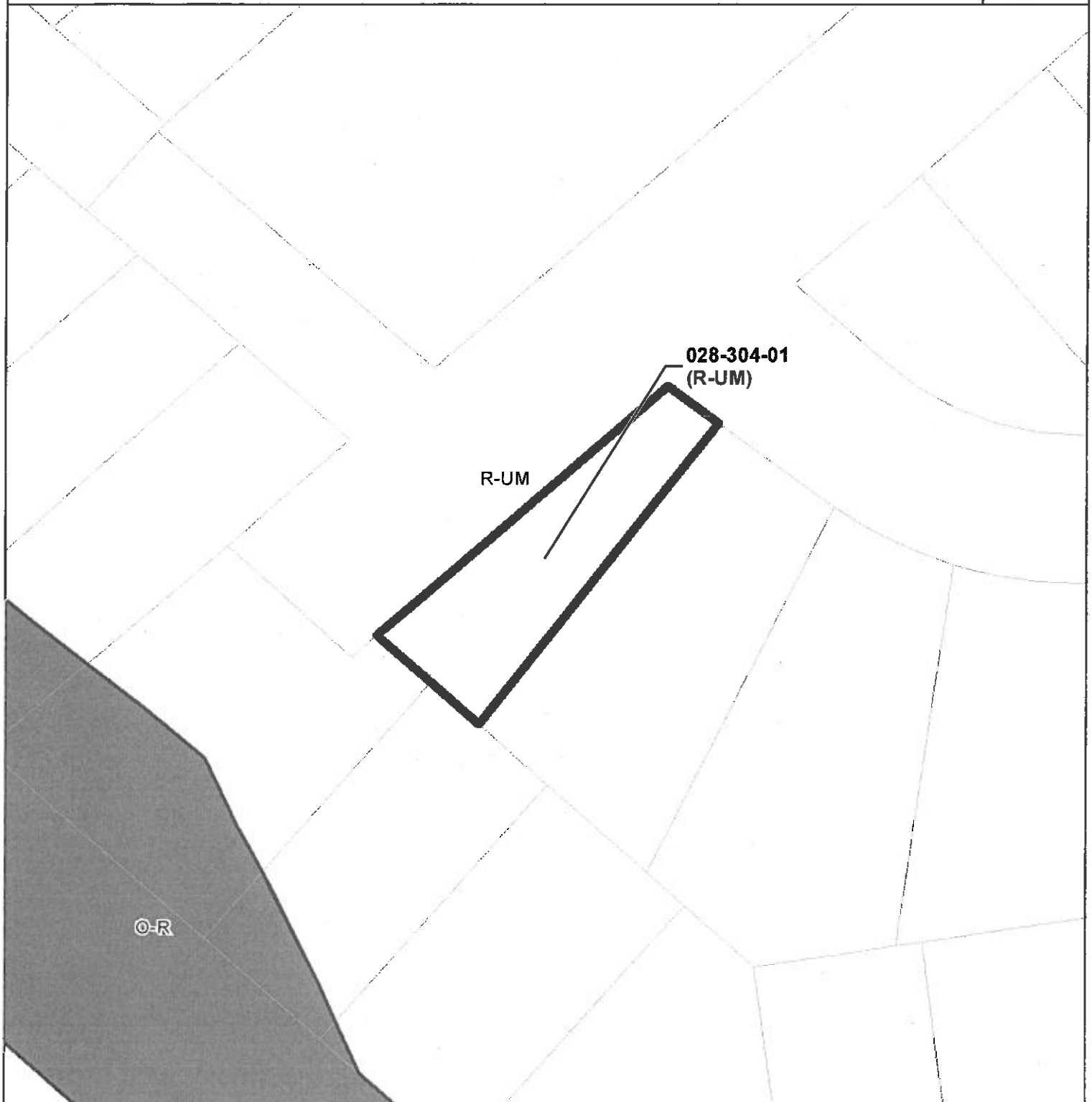




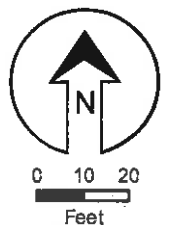
SANTA CRUZ COUNTY PLANNING DEPARTMENT
Parcel General Plan Map



Mapped
Area



- O-R *Parks, Recreation & Open Space*
- R-UM *Res. Urban Medium Density*

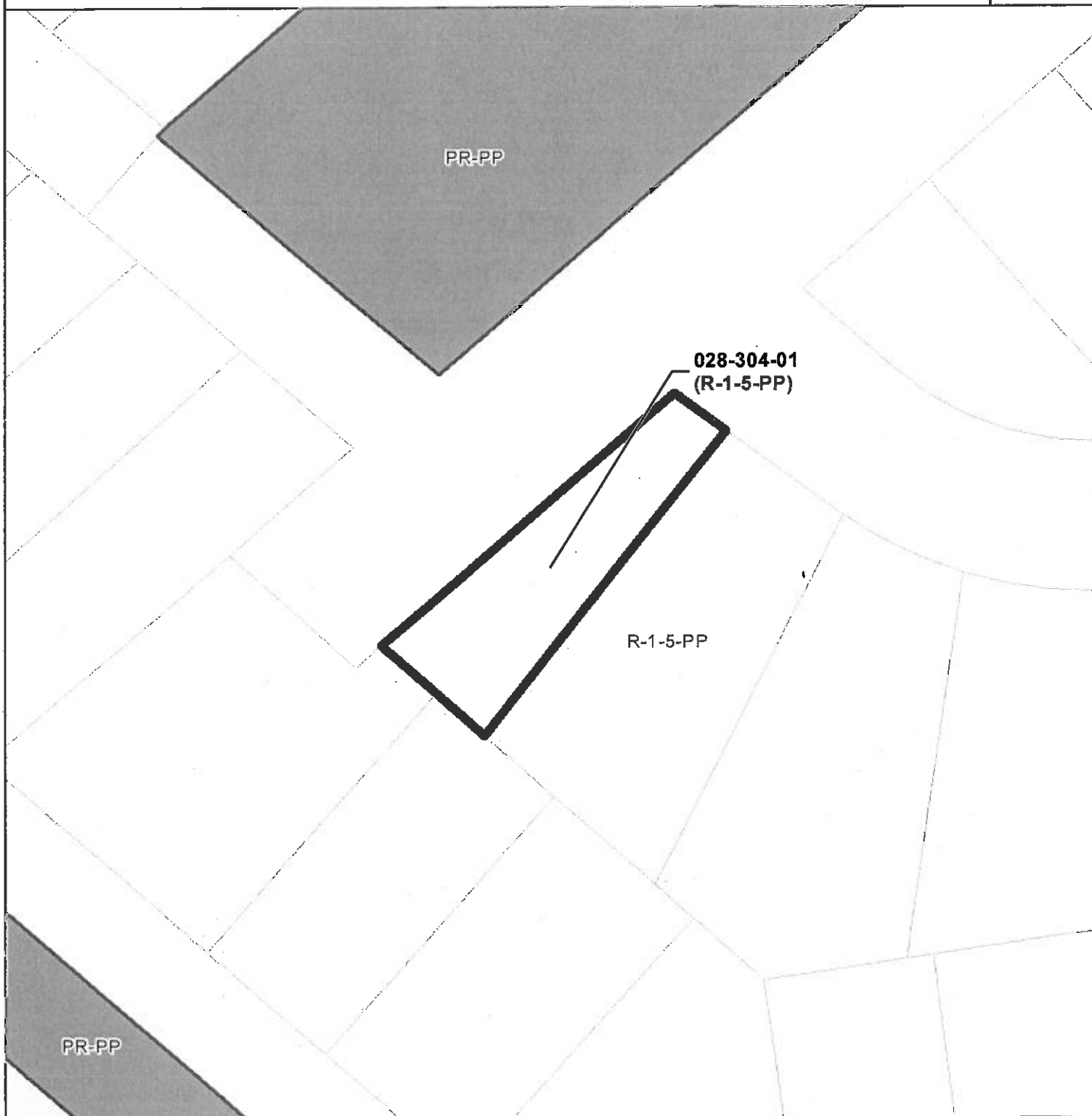




SANTA CRUZ COUNTY PLANNING DEPARTMENT

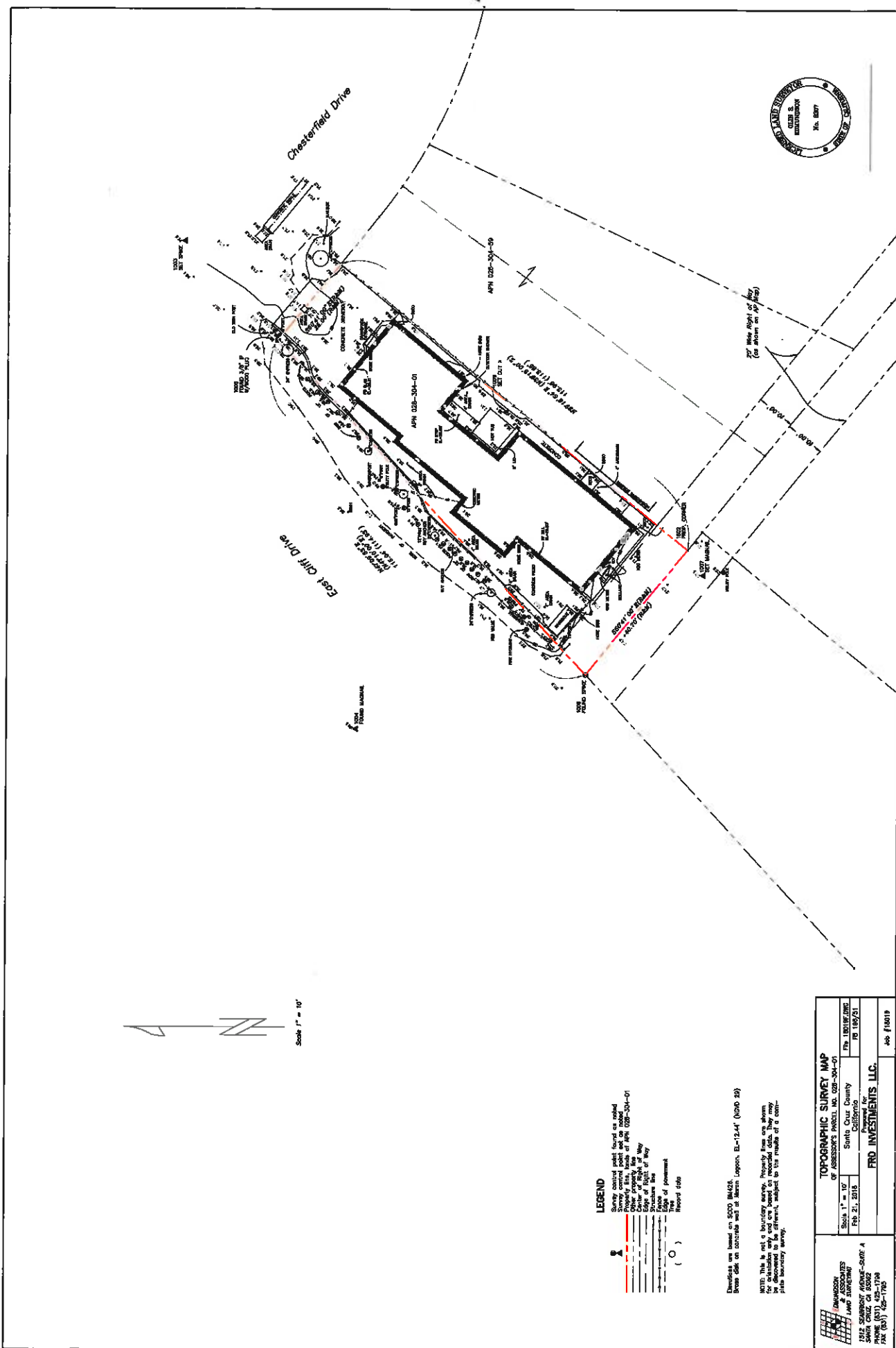
Parcel Zoning Map

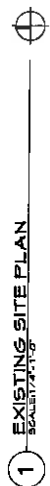
Mapped
Area



- PR *Parks, Recreation, & Open Space*
- R-1 *Single-Family Residential*













Parcel Information

Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside
Water Supply: City of Santa Cruz
Sewage Disposal: Santa Cruz County Sanitation District
Fire District: Central Fire Protection District
Drainage District: Zone 5

Parcel Information

Parcel Size: 3,743 square feet (gross), 3,343 square feet (net)
Existing Land Use - Parcel: Single family dwelling
Existing Land Use - Surrounding: Single family residential neighborhood
Project Access: Chesterfield Drive
Planning Area: Live Oak
Land Use Designation: R-UM (Urban Medium Density Residential)
Zone District: R-1-5-PP (Single family residential - 5,000 square feet minimum, Pleasure Point combining district)
Coastal Zone: ☒ Inside ☐ Outside
Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Fire Hazard: Not a mapped constraint
Slopes: 2-5%
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Archeology: Not mapped/no physical evidence on site